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State's high court upholds \$12.75M award to ex-Seattle firefighter

Posted by [Jennifer Sullivan](#)

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Nearly 10 years after a former Seattle firefighter was injured in a fall while on duty, the Washington Supreme Court has upheld a King County jury verdict awarding the man \$12.75 million.

On Dec. 23, 2003, Mark Jones awoke in a dark bunk room at the Seattle Fire Department's Station 33, according to court paperwork. He walked through the wrong door while looking for the restroom and fell through a fire-pole hole to the concrete floor below. Jones was knocked unconscious and, according to court paperwork, suffered a head injury, 10 broken ribs, fractures to several vertebrae and his pelvis, and lung, bladder and liver injuries. Jones claimed his injuries left him unable to work.

Jones sued the City, saying his injuries resulted from negligence by the city and the Fire Department for failing to install a proper guard around the fire pole, or the door that led to it.

The city hired investigators before and after the jury trial to monitor Jones to determine his physical abilities, according to court filings.

In their motion to vacate the judgment, lawyers for the city at the Superior Court trial called Jones' behavior a "deception." In 2010, lawyers for the city's insurer released a secretly filmed video showing Jones chopping wood and playing horseshoes and bocce ball after he was hurt.

In October 2010, King County Superior Court Judge Susan Craighead upheld the jury verdict and said the silent video might not tell Jones' whole story. In February 2012, the [state Court of Appeals](#) upheld the King County jury verdict.

In a statement this morning, Kimberly Mills, spokeswoman for City Attorney Pete Holmes, said they are "disappointed, of course, with the ruling."

"It's important to note that the trial occurred during the previous administration," Mills wrote in an email.

"Mark is a good person, he is an Air Force veteran, a former police officer and a [former] firefighter. He's unbelievable in terms of service to our community," Todd Gardner, a Renton attorney representing Jones said this morning

Gardner said his client "did nothing wrong."

“To make him go back and try this case, when he needs the funding so badly to get his life back together, would be unjust.”

Gardner said that the defense team never argued that Jones wasn't able to chop wood, throw horseshoes or partake in other physical activities shown on the video released by the city's insurer.

“The man has no judgment, he has a horrible memory, he can't find direction, his cognitive abilities are impaired,” Gardner said.

Since his injuries, Jones has split his time between Seattle and Montana. His health has deteriorated and he is unable to work, Gardner said.